

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THEODORE J. HENDERSON, SR. and
ANNIE L. HENDERSON

V.

WAMU/WASHINGTON MUTUAL
HOME LOANS, ET AL.

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CASE NO. 4:10-CV-164
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 26, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations with regard to JPMorgan Chase Bank, N.A.'s and Deutsche Bank's Motion to Dismiss Plaintiffs' Third and Fourth Amended Complaints for Failure to State a Claim, and in the Alternative, Motion for More Definite Statement (Dkt. #35). The Court recommended that Defendants'¹ Motion to Dismiss should be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

¹ Defendants JPMorgan Chase Bank, N.A. ("Chase"), individually and as assignee of certain assets and liabilities of Washington Mutual Bank from the Federal Deposit Insurance Corporation as Receiver, including certain assets and liabilities of Long Beach Mortgage Corporation, incorrectly named as "WAMU/Washington Mutual Home Loans, Now Backed by JPMorgan Chase, Servicing, et al., Individually, Long Beach Mortgage," and Deutsche Bank, a non-existent entity incorrectly sued as "Deutsche Bank, et al." filed the motion to dismiss.

It is, therefore, **ORDERED** that JPMorgan Chase Bank, N.A.'s and Deutsche Bank's Motion to Dismiss Plaintiffs' Third and Fourth Amended Complaints for Failure to State a Claim, and in the Alternative, Motion for More Definite Statement (Dkt. #35) is GRANTED and Plaintiffs' claims are dismissed with prejudice.

IT IS SO ORDERED.

SIGNED this 20th day of August, 2010.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large, stylized "M" and "S".

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE